

EXHIBIT E

1 role with that department, as I have with the seven
2 other departments of county government.

3 Q. Let me stop you there, if I may, for a moment.
4 You are saying by law the director of public safety
5 reports to you. Has this always been the law of New
6 Castle County?

7 A. No. That was -- there was a period of time, I
8 think something approaching eight years, where there
9 was no director of public safety. So the law needed
10 to be amended to reestablish responsibilities of the
11 director of public safety. And I believe that was
12 adopted in November. So up until that date, the law
13 that was on the books actually provided that that
14 department was headed by the chief of police.
15 However, I have been advised that I have, both the
16 County Executive and I have broad authority to
17 delegate responsibilities. And the director of public
18 safety until November functioned under that
19 delegation.

20 Q. Let me set the stage here. When did you join
21 the administration?

22 A. On the first day the administration was in
23 office, in January 2005.

24 Q. What is your official title?



1 is correct, there was not a role defined for the
2 director of public safety. So my role was more direct
3 in oversight of the department. However, as I
4 indicated, I exercised my prerogative to delegate much
5 of my responsibility to the director of public safety.

6 Since November, we have on the books a
7 clear delineation of the responsibility of the
8 director of public safety. So he functions in that
9 role, and he reports to me.

10 Q. Do I understand that then that really there has
11 not been any change in your role as CAO as a result of
12 that ordinance?

13 A. Well, there's certainly been a change in the
14 Code. In terms of my role, my responsibility for
15 oversight of public safety, is, essentially,
16 unchanged. What's changed is to formally clarify the
17 role of director of public safety.

18 Q. So that before this ordinance became effective,
19 in your role as CAO, you delegated some authority to
20 the director of public safety that has now been
21 codified, if you will?

22 A. That is correct.

23 Q. Okay. Now, in terms of your role -- and I
24 think you have used the term "oversight" on a couple



1 significant events within their department. You might
2 call it a philosophy of no surprises. Much of what I
3 am kept informed of are matters that are managed by
4 the general managers of the department, and unless
5 something gives me a concern, my role will be to
6 receive those reports and allow the managers to
7 proceed as they have proposed.

8 Q. You mentioned the term "general managers" --

9 A. That term varies from department to department.

10 Q. Well, with regard to the Police Department, who
11 is the general manager?

12 A. The director of public safety.

13 Q. And was that true throughout your
14 administration even during the time when the ordinance
15 was not in effect?

16 A. No. On a formal basis, before that ordinance
17 was enacted, County Code provided that the chief of
18 police was the head of the department.

19 Q. So did the chief, in effect, serve as the
20 general manager?

21 A. Up until the arrival of director Sapp, the
22 chief absolutely did. After the arrival of director
23 Sapp, as I've indicated, I chose and the County
24 Executive chose to delegate to Mr. Sapp some of our



1 those that had been in place previously.

2 Q. Did you have any understanding as to whether
3 take issue of increasing the number of sergeants had
4 gone to and been approved by The County Council?

5 A. They were -- the additional positions were --
6 were part of the budget plan, although actually the
7 County Council does not approve the number of
8 positions at each rank. They approve, if you will
9 look at the budget ordinance, it approves a total
10 number of positions for the department and does not
11 specify them by rank.

12 Q. What was your understanding, if any, as to, at
13 the point of that meeting that you had with
14 Ms. Levine, as to any decisions had been made to
15 promote sergeants?

16 A. There certainly had not been a decision made to
17 promote any additional sergeants at that point.

18 Q. Were you aware that director Sapp had promised
19 that there would be three sergeant promotions that
20 would be made on or before July 1?

21 A. I think he -- my recollection is he did make a
22 statement at one point and then subsequently corrected
23 it.

24 Q. He corrected it at your insistence?

